

S. Becker

NOV 05 1992

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

ABC Demolition and Dismantling  
54 Silver Street  
Bayonne, New Jersey 07002

Re: Request for Information pursuant to 42 U.S.C. §9601 et seq. and 42 U.S.C. §6901 et seq., concerning disposal of hazardous waste at the Bayonne Barrel and Drum Site, Newark, Essex County, New Jersey

Dear Sir or Madam:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. §9601 et seq. and the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6901 et seq.

EPA has documented the release of hazardous substances into the environment at a parcel of property herein referred to as the "Site", located at 150-154 Raymond Boulevard, Newark, Essex County, New Jersey.

In order to determine the need for a response to a release or threatened release of a hazardous substance, pollutant or contaminant, choose or take a response action, or otherwise enforce the provisions of CERCLA, EPA may require any person, as defined in Section 101(21) of CERCLA, to provide information relating to the materials generated, treated, stored or disposed of at or transported to a facility, the nature and extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup. This authority comes from Sections 104(e)(1) and 104(e)(2) of CERCLA. In addition, pursuant to Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §6927, EPA may require parties who have handled hazardous wastes to provide information relating to such wastes.

SYMBOL ---->	ERRD/RAB	ERRD/RAB	ERRD/RAB	ORC/NJSUP	ERRD/AD	ERRD		
SURNAME -->	<i>[Signature]</i>	Witkowski	Zachos	Schwenk	Selkie	Callahan		
DATE ----->	11/2/92	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>		

464354  
[Barcode]

Pursuant to the statutory provisions cited above, EPA hereby requires that you answer the questions posed in the attached "Request for Information." If your company has an EPA Identification Number, kindly enclose it with your response. The notarized signature of an officer or other responsible official of the company must appear on the enclosed "Certification of Answers to Request for Information," which must be attached to the response to this information request.

Your company's response to the attached Request for Information should be postmarked or received by EPA within 30 calendar days of your receipt of this letter, and should be mailed to:

Mr. Robert Montgomery  
United States Environmental Protection Agency  
2890 Woodbridge Avenue, Building 209  
Woodbridge, New Jersey 08837-3679

With a copy to:

Deborah Schwenk  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
26 Federal Plaza, Room 309  
New York, NY 10278

The company's failure to comply in all respects with this Request for Information within the time specified above may result in the initiation of an enforcement action against your company under Section 104(e)(5) of CERCLA and/or Section 3008 of RCRA. Such an enforcement action may include the assessment of penalties of up to \$25,000.00 per day for each day of continued noncompliance.

Be advised that the company is under a continuing obligation to supplement its response if information not known or not available to the company as of the date of submission of its response should later become known or available to the company. If at any time in the future the company obtains or becomes aware of additional information and/or finds that any portion of the submitted information is false, misleading or misrepresents the truth, the company must promptly notify EPA. If any part of the company's response is found to be untrue, the signatory and the company may be subject to criminal prosecution.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501-3520. Your company may, if it so desires, assert a business confidentiality claim covering all or part of the information requested by this letter. A business confidentiality claim may be asserted by placing on (or attaching to) the information, at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret" or "proprietary" or "company confidential."

Information covered by such a claim will be disclosed by EPA only in accordance with and by means of procedures set forth in Section 104(e)(7) of CERCLA and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information contained in the response to the attached Request for Information when it is received by EPA, it may be made available to the public by EPA without further notice to the company. You should read the above-cited statutory and regulatory provisions carefully before asserting a business confidentiality claim, since certain categories of information are not properly the subject of such a claim.

If you have any questions concerning this "Request for Information", you may call either Mr. Montgomery at (908) 906-6934 or Ms. Schwenk at (212) 264-8926. Please direct any questions from an attorney to Ms. Schwenk. Your cooperation is appreciated.

Sincerely yours,

Kathleen C. Callahan, Director  
Emergency and Remedial Response Division

Enclosures

## INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

1. A complete response must be made to each individual question in this Request for Information. Identify each answer with the number of the question to which it is addressed.
2. In preparing your response to each question, consult with all present and former employees and agents of your company who you have reason to believe may be familiar with the matter to which the question pertains.
3. In answering each question, identify all contributing sources of information.
4. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
5. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it applies.
6. If anything is deleted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the deletion.
7. If a document is requested but is not available, state the reason for its unavailability. In addition, to the best of your ability, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
8. If you cannot provide a precise answer to a question, please approximate, but in any such instance, state the reason for your inability to be more specific.
9. Whenever in this Request for Information there is a request to identify a natural person or an entity other than a natural person, state the person or entity's full name and present or last known address and any and all other relevant information.
10. The terms "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these questions any information which might otherwise be construed to be outside their scope.

11. As used herein, the term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. §9601(14). The substances which have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA) are set forth at 40 CFR Part 302.

12. As used herein, the terms "hazardous waste," "disposal" and "storage" shall have the meanings set forth in Sections 1004(5), (3) and (33) of RCRA, 42 U.S.C. §6903(5), (3) and (33), respectively.

13. As used herein, the term "industrial waste" shall mean any solid, liquid, gas or sludge or any mixtures thereof which possess any of the following characteristics:

- a. it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. §9601(14);
- b. it is a "hazardous waste" as defined in 42 U.S.C. §6903(5);
- c. it has a pH less than 2.0 or greater than 12.5;
- d. it reacts violently when mixed with water;
- e. it generates toxic gases when mixed with water;
- f. it easily ignites or explodes;
- g. it is an industrial waste product;
- h. it is an industrial treatment plant sludge or supernatant;
- i. it is an industrial byproduct having some market value;
- j. it is coolant water or blowdown waste from a coolant system;
- k. it is a spent product which could be reused after rehabilitation; or
- l. it is any material which you have reason to believe would be toxic if either ingested, inhaled or placed in contact with your skin.

14. As used herein, the term "Bayonne Barrel & Drum Site" or the "Site" shall refer to a parcel or parcels of property located at or about 150-154 Raymond Boulevard, Newark, New Jersey. The Site has been operated by, among others, Bayonne Barrel & Drum.

15. As used herein, the terms "the company" and "your company" refer not only to your company as it is currently named and constituted, but also to all predecessors in interest of your company and all subsidiaries, divisions, affiliates and branches of your company.

REQUEST FOR INFORMATION

1. a. State the correct legal name and mailing address of your company.
  - b. Identify the legal status of your company, the state in which it is incorporated, and agent for service of process.
  - c. State the names and addresses of the partners or president, chairman of the board, and all other officers, directors, stockholders, or other owners of your company.
  - d. Provide copies of the partnership agreement, and any amendments thereto, or certificate of incorporation, and any amendments thereto, and bylaws.
  - e. If your company has subsidiaries or affiliates, or is a subsidiary of another organization, identify these related corporations or companies.
  - f. If your company is a successor to a corporation or company, identify such other corporation or company and provide the same information requested above for the predecessor corporation or company.
  - g. For each person identified in (c) above explain in detail:
    - 1) Each person's responsibility, including but not limited to management duties.
    - 2) The amount and value of shares owned.
2. Did you ever lease, sublease or rent any portion of the property located at 150-154 Raymond Boulevard, Newark, Essex County, New Jersey, commonly referred to as the Bayonne Barrel and Drum facility? If so, please state the dates of the leasing agreement, identify which portions of the facility you lease(d) and the activities conducted at the facility pursuant to this leasing/rental agreement. Provide a copy of any and all such lease agreements. Describe any oral agreements made between the parties.
3. Does your company have or did it previously have a permit or permits issued pursuant to RCRA? If your company has, or previously had, an EPA Identification Number, state it in your answer to this question.

4. Describe in detail the nature of the business of your company, the period during which it engaged in that business, and the location of those operations. If the nature of the business has not been constant, explain what changes occurred (including any name changes) and when they occurred.

5. At the time the lease agreement was made, or during the pendency of the lease, were any agreements made with respect to the removal, storage, transport and/or disposal of hazardous materials, hazardous substances, hazardous waste and/or hazardous constituents at the Site? If so, identify the parties involved and provide any and all documents relating to the agreements, formal or informal, and the performance of such agreements. Describe any oral agreements made between the parties.

6. During your tenancy on the Site, describe all releases or threats of releases of any kind into the environment of any hazardous substance(s), as that term is defined in Instruction 11, at or from the Site, including but not limited to:

- a. When such releases or threat of releases occurred.
- b. How the releases occurred.
- c. What hazardous substances were released.
- d. What amount of each such hazardous substance was released.
- e. Where such releases occurred.
- f. Any and all activities undertaken by you or anyone else, in response to each such release or threatened release.
- g. Any and all investigations of the circumstances, nature, extent, or location of each such release or threatened release including, the results of any soil, water (ground and surface), or air testing that was undertaken.
- h. If you were a tenant at the site at the time, please discuss if you were responsible for or in some way involved with the release or discharge.
- i. Provide names, addresses, and telephone numbers of all persons with information relating to subparts a. through h. of this Question.

Questions 7 through 16 relate to a silver and red box trailer labeled "Farmland" containing drums located at the north end of the Site:

7. Do you own, or have you ever owned, this box trailer? If so, please submit documentation of ownership and/or purchase.

8. If the answer to Question 7 is yes, have you ever leased the box trailer to any other person or entity over the course of your ownership? If so, please provide name, address and telephone number of the lessee, dates of lease and any and all relevant documentation.

9. Did you ever rent, lease or borrow the box trailer in question from anyone? If so, please identify that person or entity (name, address and telephone number) and provide the dates of the lease, the type of arrangement and what the trailer was used for while under your control. Please submit all relevant documentation.

10. Did you, your agent or somebody in your employ (identify such individual(s)) bring the box trailer to the Site? If so, explain why and when and describe in detail the condition of the trailer and its contents.

11. If the answer to any of Questions 8-11 is no, please provide any information you might have about the box trailer, including, but not limited to, identifying its owner and/or lessee, and how the box trailer arrived at the Site.

12. Do you own or control, or have you ever owned or controlled, the drums in this box trailer? If yes, please state the dates of ownership or control, the contents of the drums, and the condition of the drums during this time period.

13. Do you own or control, or have you ever owned or had control over, the contents of the drums? Please provide all details, including but not limited to, a description of the drum contents, where the contents came from, when and how the contents were placed into the drums, and any and all relevant manifests and bills of lading.

14. Do you know how the drums came to be located in the box trailer? If so, please provide all details.

15. Have you ever sampled the drum contents, even before such contents were placed in the drums? If so, please provide any and all analyses.

16. Do the drums contain hazardous waste, hazardous substances or hazardous constituents? Please be specific (i.e., identify the specific hazardous waste by code number), state the basis for your conclusion, and provide any relevant documentation.

17. Please describe the relationships between:

- a. ABC Demolition and Dismantling(ABC) located in Bayonne, New Jersey, and Chem Truck Inc. (CTI) located in Newark, New Jersey.
- b. ABC and Bayonne Barrel and Drum.
- c. CTI and Bayonne Barrel and Drum.

Please provide any and all relevant documentation including, but not limited to, copies of contracts, leases, and bills of lading.

18. Did or does there exist any agreement or contract (other than an insurance policy) that may indemnify you or may require you to indemnify another person or any entity, against any liability you or any entity may incur in connection with a release or threatened release of a hazardous substance at the Site. If your answer to this question is in the affirmative, please provide a copy of all such agreements or contracts.

19. Are there currently or have there ever been any insurance policies in effect that may indemnify you or your company against any liability that you or any entity may incur in connection with the release of any hazardous substance at the Site. If yes, please provide a copy of the policy. For any policy that you cannot locate or obtain, provide the name of the carrier, years in effect, nature and extent of coverage, and any other information you have.

20. For your company, and each partner or presiding officer of your company:

- a. State total assets and liabilities for each of the past five fiscal years.
- b. Provide copies of income statements for the last five fiscal years.
- c. Provide copies of filed federal and state income tax returns for last five fiscal years.

21. List all loans that your company made to individuals or companies during the last five years. Include in your answer to this question the amounts of such loans, payment schedule, and current status of these loans. For all such loans indicate the interest rate charged. If the interest rate has changed, please indicate that in your answer to this question.

22. List all gifts and bonuses provided in the past five years to current or past members of the Board of Directors or current or past officers of your company. Include in your answer to this question the names of the persons involved, the value of such gifts or amount of such bonuses, and the reason such gifts or bonuses were provided.

23. Have you prepared, or has anyone prepared for you, a financial statement at any time within the past five years? If your answer is yes, provide a copy of each financial statement.

24. Do you have Profit and Loss Statements and Balance Sheets for the past five calendar or fiscal years? If your answer is yes, provide a copy of any and all such Statements and/or Balance Sheets.

25. Identify by name and title all employees who receive annual compensation of \$10,000.00 or more.

26. Please supply any additional information that may assist EPA in identifying sources of information or parties involved with the Site.

27. State the name, title, and address of each individual who assisted or was consulted in the preparation of the response to this "Request for Information" and specify the question to which each person assisted in responding.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of \_\_\_\_\_

County of \_\_\_\_\_:

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment. I am also aware that my company is under a continuing obligation to supplement its response to EPA's Request for Information if any additional information relevant to the matters addressed in EPA's Request for Information or the company's response thereto should become known or available to the company.

\_\_\_\_\_  
NAME (print or type)

\_\_\_\_\_  
TITLE (print or type)

\_\_\_\_\_  
SIGNATURE

Sworn to before me this

day of \_\_\_\_\_, 19.\_\_\_\_

Notary Public

